



DT07 Rec'd PCT/PTO 13 OCT 2004

PCT

PATENT

Customer No. 22,852

Attorney Docket No. 09307.2003

#3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
STEINEMANN et al. ) Group Art Unit: not yet assigned  
Application No.: 10/501,957 ) Examiner: not yet assigned  
Filed: July 21, 2004 )  
For: SURFACE-MODIFIED IMPLANTS ) Confirmation No.: not yet assigned

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

TRANSMITTAL LETTER

Enclosed is the following:

- 1) Information Disclosure Statement, and
- 2) PTO Form 1449 with copies of cited references.

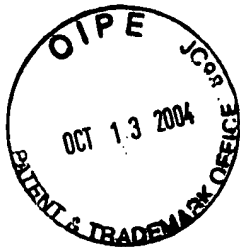
If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: Oct 12, 2004

By: Therese Hendricks  
Therese Hendricks  
Reg. No. 30,389



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Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), applicant brings to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed within three months of the filing date of the above-referenced application.

Copies of the listed documents are attached.

Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the

documents as prior art against any claim in the application and applicant determines that the cited documents do not constitute "prior art" under United States law, applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

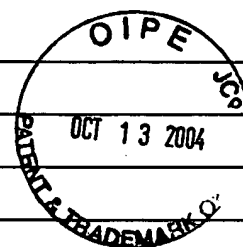
FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: *Oct 13, 2004*

By: *Therese Hendricks*  
Therese Hendricks  
Reg. No. 30,389

## INFORMATION DISCLOSURE CITATION

Atty. Docket No.	09307.2003	Appln. No.	10/501,957
Applicant	STEINEMANN et al.		
Filing Date	July 21, 2004	Group:	not yet assigned



## U.S. PATENT DOCUMENTS

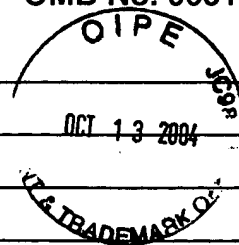
Examiner Initial*	Document Number	Issue Date	Name	Class	Sub Class	Filing Date If Appropriate
	6,214,049	Apr. 10, 2001	Gayer et al.	623	16.11	
	6,165,925	Dec. 26, 2000	Rieger	501	103	
	5,922,029	Jul. 13, 1999	Wagner et al.	623	66	
	5,681,701	Oct. 28, 1997	Harris et al.	435	6	
	5,456,723	Oct. 10, 1995	Steinemann et al.	623	16	

## FOREIGN PATENT DOCUMENTS

Document Number	Publication Date	Country	Class	Sub Class	Translation Yes or No
EP 0834740 A1	08.04.1998	Europe			In English
EP 0806212 A1	12.11.1997	Europe			In English
EP 0388576 A1	09.11.1989	Europe			No; see corresp. U.S. Patent 5,456,723
DE 10022260 C2	08.05.2000	Germany			No; English abstract with WO 01/85068
DE 19949890 A1	15.10.1999	Germany			No; see Int'l Search Report listed below
WO 01/85068 A1	15.11.2001	PCT			English Abstract for DE 10022260.9
WO 00/72777 A1	07.12.2000	PCT			In English
WO 00/44305	27.01.2000	PCT			No; see corresp. Canada Patent 2360580
WO 99/01089	14.01.1999	PCT			In English
WO 96/16611	06.06.1996	PCT			In English
WO 95/28973	12.11.1995	PCT			In English
WO 95/16035	15.06.1995	PCT			In English
WO 94/26893	24.11.1994	PCT			In English
WO 94/26892	24.11.1994	PCT			In English
WO 93/00432	07.01.1993	PCT			In English

# INFORMATION DISCLOSURE CITATION

OMB No. 0651-0011



Atty. Docket No.	09307.2003	Appln. No.	10/501,957
Applicant	STEINEMANN et al.		
Filing Date	July 21, 2004	Group:	not yet assigned

FOREIGN PATENT DOCUMENTS						
	Document Number	Publication Date	Country	Class	Sub Class	Translation Yes or No
	CA 2360580	03.08.2000	Canada			English Abstract

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)	
	Copy of International Search Report dated February 13, 2003 in corresponding Int'l. Application No. PCT/CH03/00013.

Examiner	Date Considered
<p>*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</p>	
Form PTO 1449	Patent and Trademark Office - U.S. Department of Commerce